

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOREEN A. HORVATH,

Defendant.

8:04CR176

ORDER

Defendant Doreen A. Horvath (Horvath) appeared before the court on January 22, 2007, on an Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 33). Horvath was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through her counsel, Horvath waived her right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Horvath should be held to answer for a final dispositional hearing before Chief Judge Bataillon.

The government moved for detention. Through counsel, Horvath requested a detention hearing. The hearing was scheduled for January 25, 2007. On January 25, 2007, Horvath again appeared before the court. Horvath was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Horvath proffered she would obtain a substance abuse evaluation, enter treatment if recommended, and reside with her mother pending any dispositional hearing or placement in a drug treatment facility. Since it is Horvath's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger to the community, the court finds Horvath has failed to carry her burden in light of the allegations of the Report, and Horvath should be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on February 9, 2007**. Defendant must be present in person.

2 Defendant Doreen A. Horvath is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge